

U.S. Patent Application Serial No. 10/721,069

Response filed July 31, 2007

Reply to OA dated February 7, 2007

REMARKS

Claims 1-3, 5 and 6 are pending in this application. The present amendment cancels claim 3 without prejudice or disclaimer. Upon entry of this amendment, claims 1, 2, 5 and 6 will be pending. Reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. (Office action paragraph no. 5)

Reconsideration of the rejection is respectfully requested.

The Examiner states that there is not adequate written disclosure support for the recitation "produced by polymerization reaction." Applicant had indicated support for this recitation in paragraphs [0020] to [0022] of the specification, but the Examiner states that these merely describe core-shell particles, stating:

"The limitation that "colored polymer particle is produced by polymerization reaction" recited in instant claim 1 is broader than the disclosed polymerized shell layer because it also encompasses core particles formed by a polymerization reaction, which are not described in paragraph [0022]."

Applicant notes that the Examiner has correctly inferred that the recitation "produced by a polymerization reaction" means that both the core and the shell are produced in this polymerization reaction.

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Applicant submits, however, that the recitation of the present claims is fully supported, for example, by paragraph [0047], which describes "the process for producing a colored particle by polymerization method. The colored polymer particle, ... can be produced by: ... and then drying."

The colored polymer particle can be core-shell structured, as described in paragraph [0020].

Paragraph [0058] describes use of "polymerization method" to make a core-shell structured colored polymer particle:

"More specifically, a core-shell structure colored polymer particle is produced by: using a colored polymer particle, produced by ... polymerization method ... as core particles; then covering it with a shell layer."

In situ method and phase separation method are stated to be preferable.

Therefore, Applicant respectfully submits that the specification, in particular paragraphs [0047] and [0058], fully supports the recitation of the claims that the "colored polymer particle is produced by polymerization reaction." Reconsideration of the rejection is requested.

Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. (Office action, paragraph no. 6)

Claim 3 has been canceled without prejudice or disclaimer.


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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Petition for Extension of Time
Request for Continued Examination (RCE) Transmittal
Information Disclosure Statement

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